

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KUPER INDUSTRIES, LLC and
JAMES W. KUPER d/b/a THE
PANCAKE MAN,

Plaintiffs,

vs.

DANIEL REID; DANIEL REID d/b/a
THE PANCAKE GUYS; ALL THE
MARBLES, LLC d/b/a THE
PANCAKE GUYS,

Defendants.

8:15-CV-42

MEMORANDUM AND ORDER

This matter is before the Court on the defendants' Consent to Preliminary Injunction. Filing 21. Defendants consent to entry of a preliminary injunction on substantially the same terms as the Court's previous temporary restraining order. Filing 12. Defendants do not concede any material allegations by plaintiffs, nor do they waive the right to contest any findings or conclusions made by the Court in its previous order granting a temporary restraining order. Plaintiffs have agreed to the terms of defendants' proposed order.

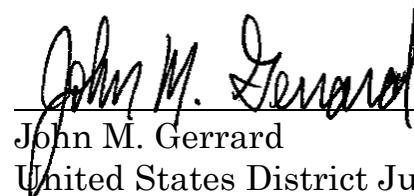
THEREFORE, IT IS ORDERED:

1. For the duration of this temporary order, defendants, their directors and officers, principals, agents, servants, employees, and all persons or entities under their control or in active concert or participation, are enjoined from:
 - a. Operating under the name "The Pancake Guys;" or
 - b. otherwise using such mark in commerce in connection with the sale, offering for sale, distribution, or advertising of any goods or services

- on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive; or
- c. using such mark in a manner likely to cause confusion as to the affiliation, connection, or association of defendants with plaintiffs or "The Pancake Man," or as to the origin, sponsorship, or approval of defendants' goods, services, or commercial activities by plaintiffs.
2. The Court's previous order setting forth a hearing and briefing schedule (filing 14) is vacated as moot, and the hearing set for March 19, 2015, is cancelled.

Dated this 6th day of February, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge